

**MARION CITY COUNCIL REGULAR MEETING**  
City Hall – Council Chambers on May 13, 2019 7:30 PM

**ROLL CALL:** 10 members answered – Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels, Mrs. Gustin, Mr. Schneider.

With a quorum present, the meeting was called to order at 7:30 PM.

Prayer was led by Steve Hunt of Family Life Church. Boy Scout Troop #50 led the Pledge of Allegiance.

**SUMMARY OF PROCEEDINGS – 04/23/2019:**

Mr. Daniels made a motion to approve; Mr. Schaber 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels, Mrs. Gustin. Nays – none

**MINUTES OF 04/23/2019 APPROVED (9-0)**

**PUBLIC HEARING: CDBG**

Hearing opened at 7:34.

Ken Lengieza, Marion Regional Planning, presented a revised potential budget for CDBG proposed projects. Numbers have been modified since committee meeting and will need to be amended in the ordinance.

Hearing closed at 7:39.

**OLD BUSINESS:**

**NEW BUSINESS:**

**Item 1. ORDINANCE 2019-30: ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH LEBANON FORD INC. FOR THE PURCHASE OF 3 VEHICLES FOR THE POLICE DEPARTMENT AND FIRE DEPARTMENT, AND DECLARING AN EMERGENCY**

Safety Director Robbins stated that this will be paid out of capital equipment budget. There were no local bidders. August is expected delivery date.

Mr. Huddle made a motion to suspend the rules; Mrs. Cunningham 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels, Mrs. Gustin. Nays – none

Mr. Huddle made a motion to approve; Mr. Landon 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels, Mrs. Gustin. Nays – none

**ORDINANCE 2019-30 APPROVED 9-0**

**Item 2. ORDINANCE 2019-31: ORDINANCE AUTHORIZING THE AUDITOR TO APPROPRIATE MONIES TO THE ADAMH FUND RECEIVED BY THE ADAMH BOARD ENDING DECEMBER 31, 2019**

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Chief Probation Officer Tom Stotts explained that this is to help opiate addicted and other addicted offenders and will fund a partial case manager/linkage position. This is a twelve month grant and will be evaluated monthly and could lead to additional funding. Should the money be discontinued, the position could go away. They are applying for grant funds, including ODRC 2020/2021 and Justice Reinvestment Grant, that may be other sources of funding. Mr. Daniels expressed concern that this would create demand on general fund in the future, should there not be other funding. Mr. Stotts stated that this person will work with individuals who may be released from local jail due to overcrowding and may be able to divert them to treatment.

Mr. Huddle made a motion to suspend the rules; Mr. Landon 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels, Mrs. Gustin. Nays – Mr. Ratliff.

Mr. Huddle made a motion to approve; Mr. Landon 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels, Mrs. Gustin. Nays – Mr. Ratliff.

**ORDINANCE 2019-31 APPROVED 8-1**

**Item 3. ORDINANCE 2019-32: ORDINANCE TO ESTABLISH A COMMUNITY DEVELOPMENT PROGRAM THROUGH THE STATE OF OHIO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG PROGRAM) AND TO AUTHORIZE THE MAYOR TO APPLY FOR COMMUNITY DEVELOPMENT ALLOCATION FUNDS AND ADMINISTER THE GRANT, AND DECLARING AN EMERGENCY**

Amounts for ordinance have been updated since originally recommended by Jobs and Economic Development Committee.

Mr. Lengieza explained that money could be moved from slum and blight for other projects, but money could not be added to slum and blight (demolition). Mayor Schertzer asked council to wait to move any money to see what the cost of demolition is going to be. Money can be moved later through an amendment process with the granting authorities.

Mr. Schaber made a motion to amend the amounts as proposed in ordinance provided at meeting; Mr. Ratliff 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels, Mrs. Gustin. Nays – none

Mr. Schaber made a motion to suspend the rules; Mrs. Gustin 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels, Mrs. Gustin. Nays – none

Mr. Schaber made a motion to approve; Mrs. Ratliff 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels, Mrs. Gustin. Nays – none

**ORDINANCE 2019-32 APPROVED 9-0**

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**Item 4. ORDINANCE 2019-33: ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY LOCATED NORTHWEST (PREVIOUSLY IDENTIFIED AS EAST) OF THE CITY OF MARION, CONTAINING 444.561 ACRES, AND DECLARING AN EMERGENCY**

Mrs. Cunningham made a motion to suspend the rules; Mr. Huddle 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels, Mrs. Gustin. Nays – none

Mrs. Cunningham made a motion to approve; Mr. Daniels 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels, Mrs. Gustin. Nays – none

**ORDINANCE 2019-33 APPROVED 9-0**

**Item 5. ORDINANCE 2019-34: ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY LOCATED EAST OF THE CITY OF MARION CONTAINING 70.309 ACRES AND DECLARING AN EMERGENCY**

Mr. Norris made a motion to suspend the rules; Mrs. Blevins 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mr. Huddle, Mr. Norris, Mr. Daniels, Mrs. Gustin. Nays – none. Abstain – Mrs. Cunningham

Mr. Norris made a motion to approve; Mr. Blevins 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mr. Huddle, Mr. Norris, Mr. Daniels, Mrs. Gustin. Nays – none. Abstain – Mrs. Cunningham

**ORDINANCE 2019-34 APPROVED 8-0**

**Item 6. ORDINANCE 2019-35: ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY LOCATED SOUTH OF THE CITY OF MARION CONTAINING 16.548 ACRES AND DECLARING AN EMERGENCY**

Kevin Hall, agent, explained that they are completing annexation that was a condition of accessing sewer after failed septic system.

Mr. Daniels asked about portion of ordinance that makes an exemption to a standing city ordinance allowing horses on property as presently provided by township. He believes that everyone should have to live under one set of laws.

Law Director Russell stated that the city must make accommodations for the zoning that exists. The land allows for the harboring horses under the current use. Council could identify a length of term for the exemption.

Mr. Ratliff made a motion to amend: *replace the semi-colon at end of zoning resolution very last line with a period and insert after period "The exemption shall cease to exist if the parcel is split or subdivided."*; Mr. Norris 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mr. Huddle,

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Mr. Norris, Mr. Daniels, Mrs. Gustin. Nays – none. Abstain – Mrs. Cunningham

Mr. Norris made a motion to suspend the rules; Mrs. Blevins 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mr. Huddle, Mr. Norris, Mr. Daniels, Mrs. Gustin. Nays – none. Abstain – Mrs. Cunningham

Mr. Norris made a motion to approve; Mrs. Blevins 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mr. Huddle, Mr. Norris, Mr. Daniels, Mrs. Gustin. Nays – none. Abstain – Mrs. Cunningham

**ORDINANCE 2019-35 APPROVED 8-0**

**Item 7. ORDINANCE 2019-36: ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO APPLY FOR ODOT AIRPORT GRANT PROGRAM FY 2020 GRANT FUNDS, ADVERTISE FOR BIDS FOR AND ENTER INTO CONTRACT FOR MARKING AND DRAINAGE IMPROVEMENTS FOR GRASS RUNWAYS AND DECLARED AN EMERGENCY AT THE MARION MUNICIPAL AIRPORT**

Mr. Huddle made a motion to suspend the rules; Mr. Schaber 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels, Mrs. Gustin. Nays – none

Mr. Huddle made a motion to approve; Mrs. Gustin 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels, Mrs. Gustin. Nays – none

**ORDINANCE 2019-36 APPROVED 9-0**

**Item 8. RESOLUTION 2019-12: FINAL RESOLUTION ENACTED BY THE CITY OF MARION, OHIO, HEREINAFTER REFERRED TO AS THE LEGISLATIVE AUTHORITY/LOCAL PUBLIC AGENCY OF “LPA”, IN THE MATTER OF THE STATED DESCRIBED PROJECT AND DECLARING AN EMERGENCY**

Mr. Huddle made a motion to suspend the rules; Mrs. Cunningham 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels, Mrs. Gustin. Nays – none

Mr. Huddle made a motion to approve; Mr. Norris 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels, Mrs. Gustin. Nays – none

**RESOLUTION 2019-12 APPROVED 9-0**

**MATTERS NOT ON THE AGENDA:**

Mr. Schaber made a motion to add an ordinance to the agenda “*authorizing the Auditor and Law Director to take any action necessary to recover a bonus issued in December 2018*” (as discussed in previous meetings); Mr. Ratliff 2<sup>nd</sup>; Mr. Daniels 3<sup>rd</sup>.

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Law Director Russell stated that the language “all necessary steps” will allow them to pursue all sources to recover the bonus. He would update council as progress is being made and if additional costs would be incurred. The employee who received the compensation would not be one of the sources from which to recover the funds.

Mr. Schaber said that when the bonus was paid, several council members were upset. He wants to see if they stand on their principles. It sounds like council wants to change its mind.

Mr. Ratliff said that council needs to guard every dollar, because of every dollar is a tax payers' dollar. There were a lot of people who said they were upset when the bonus was paid. This was the first one in history and the judge said she would continue to do it. Council can do something or do nothing. It is up to them. There is a problem with court and the use of tax payers' dollars.

Mr. Daniels stated that this vote sets precedence one way or another. If council members defend bonus, they are essentially telling every other department that council is OK with paying large bonuses to public employees. If council members vote to recover money, it may not have an impact if it is ultimately recovered from the court but it is a statement.

Mr. Huddle stated that politicians take conflict and attack people. He feels that there have been direct comments made about the judge that have not been found to be extravagant in any way. They are moving forward with mediation. He does not think people should be attacked personally.

Mr. Norris said that the fund that bonus came from is a fund that council cannot touch.

Mr. Daniels said that complaints and false accusations being filed during an election year are not confined to judge.

Mrs. Cunningham expressed concern about legal fees that may be incurred as this moves forward and how it could affect city.

Mr. Ratliff continued that he feels that the court is not budget or numbers driven. In the past, meal expenses have exceeded state requirements. Council did nothing. She gave a \$12,000 bonus and council did nothing. She did a \$127,500 renovation and council did nothing. It is time that they do something when she overspends. The prior judge used to return about \$600,000 a year to the general fund. That is \$6 million dollars over her tenure. Fire and police departments could have really used that money. In reviewing credit card report, \$600+ was spent on a graduation ceremony for special docket.

Mr. Daniels made a motion to suspend rule 56; Mr. Schaber 2<sup>nd</sup>. Roll Call: Ayes – Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mr. Daniels. Nays – Mr. Landon, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mrs. Gustin.

**MOTION TO SUSPEND RULE 56 NOT PASSED (4-5)**

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Dan Neidig (333 Forest Lawn Blvd) commended council on creating nuisance codes. He would like to see an informational hand out that could be used with residents.

Mr. Lengieza (Regional Planning) explained that annexed properties will no longer be in Marion Township Enterprise Zone for possible tax abatement. They will be looking at proposing to expand City Enterprise Zone or the Community Reinvestment Area out into those areas and the prison. They will go to the schools first.

**COMMITTEE MEETING SCHEDULE:**

Committee meetings were announced as follows:

Finance – 6:30 PM 05/21/2019 – Mr. Huddle, Chair – unknown

Municipal Services, Parks and Recreation – 6:35 PM 05/21/2019 – Mr. Schaber, Chair – Directive to Auditor and Law Director to recoup funds

Regional Planning – 7 PM on 05/22/2019 at the Marion County Building – Mr. Norris, Chair

No other committee chairs called meetings.

With no further business to come before Council, Mr. Schneider adjourned the meeting at 8:58 PM.

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Todd Schneider  
President of Council

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Tarina R. Rose  
Clerk of Council